

106 KAR 5:030. KCCRT member disciplinary actions.

RELATES TO: KRS Chapter 13B, 36.260, 209.030(2), (3), (4), 209.050, 620.030(1),(2)

STATUTORY AUTHORITY: KRS 36.260(5), (8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 36.260(8) requires the Kentucky Community Crisis Response Board to promulgate administrative regulations as necessary to execute the duties of the Board. KRS 36.260(3) requires the Board to maintain a team of volunteer members to provide crisis response services statewide. This administrative regulation establishes procedures for evaluation of disciplinary complaints against KCCRB members and provides sanctions for confirmed violations.

Section 1. Actions Subject to Disciplinary Inquiry. A team member shall be subject to discipline by the KCCRB Membership Committee if he or she:

- (1) Refuses to participate in a crisis or disaster response three (3) or more times when requested to assist, unless excused by the executive director or his or her designee except when the designated response service due to illness, conflict of interest, or conflict of duty;
- (2) After committing to participate in a designated response, fails to notify the crisis response team leader, in advance of the response starting time, of an inability to serve;
- (3) Fails to report abuse or neglect of an adult, as required by KRS 209.030(2), (3) and (4);
- (4) Fails to report dependence, abuse, or neglect of a child, as required by KRS 620.030(1) and (2);
- (5) Fails to maintain strict confidentiality relating to a statement made by a participant during a crisis response, except for an exemption permitted or required by law;
- (6) Fails to adhere to guidelines established during crisis response education and training;
- (7) Fails to participate in an assigned team member role, as directed, during a crisis response;
- (8) Fails to first report to the team leader, regional team coordinator upon arrival at a response site, or other delegated KCCRB response coordinator;
- (9) Is convicted of a class A misdemeanor or a felony;
- (10) Violates a provision of the KCCRT membership agreement;
- (11) Is found by the member's licensing body to have violated his or her professional code of ethics;
- (12) Solicits clients or conducts personal business while serving in the capacity of a crisis response team member;
- (13) Speaks abusively to a person affected by the crisis or disaster;
- (14) Threatens a team member or person affected by the crisis or disaster;
- (15) Is physically aggressive toward a team member or person affected by the crisis or disaster;
- (16) Sexually harasses a team member or person affected by the crisis or disaster; or
- (17) Engages in highly inappropriate conduct that damages the morale of the response team or the team's relationship with persons affected by the crisis or disaster.

Section 2. Informal Inquiry Process for a Disciplinary Action. (1) Upon receipt of a written complaint against a team member or information in any form that indicates that a provision in subsections 1(1) through 1(17) of this administrative regulation has been violated, the membership committee shall:

(a) Notify the team member who is subject of the complaint or other information received, in writing, within thirty (30) working days of receipt:

1. That the committee has received a written complaint or other information indicating a vio-

lation of a provision in subsections 1(1) through 1(17);

2. Of the specific details of the allegation;

3. That a written explanation is requested of the member;

4. That a membership committee inquiry is in process;

5. Of possible sanctions for the specified violation;

6. Of the timeline for the review process; and

7. Whether the member is or is not suspended from team membership during the process of investigation through final decision on appeal, if the decision is appealed;

(b) At the next scheduled committee meeting, review the complaint, the written explanation provided by the team member, and any investigative findings;

(c) Present findings of fact and a recommendation for disposition to the board for final decision;

(d) Notify the team member, in writing, within thirty (30) working days from the date of final disposition, of the board's decision, any sanction imposed, and the process for appeal.

(2) Upon receipt of a recommendation for disposition from the membership committee, the board shall consider the following factors in deciding the outcome and assessing a sanction, if any:

(a) the circumstances surrounding the alleged violation;

(b) The response services being rendered;

(c) The gravity of the alleged violation;

(d) The extent of harm caused by the infraction;

(e) The team member's past performance with the KCCRT; and

(f) The likelihood of recurrence.

(3) Appeal process for a disciplinary action.

(a) A team member aggrieved by a decision of the board regarding his or her disciplinary action may appeal the decision by submitting a written request to the Executive Director, within thirty (30) working days of receipt of the written disposition, to appear in person for a hearing at the next scheduled meeting of the Executive Administrative Committee.

(b) The executive director shall inform the appealing party, in writing:

1. That his or her request has been received;

2. Of the time, date, and place of the hearing; and

3. That a final decision of the Board may be formally appealed pursuant to KRS Chapter 13B.

(c) The Executive Administrative Committee shall review the disciplinary matter and the board's decision, conduct a hearing, consider the factors in Section 2(2) of this administrative regulation, and submit to the board a recommendation for final disposition.

(d) The board shall:

1. Consider the matter and the Executive Administrative Committee's recommendation in light of the facts of the case and the factors listed in Section 2(2) of this administrative regulation;

2. Determine the final disposition of the matter;

3. Notify the member within (30) working days, in writing, of:

a. The board's decision; and

b. That the final decision of the board may be formally appealed pursuant to KRS Chapter 13B.

(4) Any sanction assessed shall be held in abeyance during an appeal.

Section 3. Membership Sanctions for Disciplinary Violations. (1) A member found to have violated Section 1(1) of this administrative regulation shall be removed as a team member until

such time as he or she is able to serve if requested.

(2) A member found to have violated one or more of the provisions in Sections 1(2) through 1(17) of this administrative regulation shall be subject to the following sanctions, depending on the severity of the violation:

- (a) A verbal reprimand;
- (b) A period of suspension from KCCRT membership;
- (c) Cancellation of KCCRT membership; or
- (d) Cancellation of KCCRT membership and prohibition of future KCCRT membership.

(3) A member whose membership is cancelled shall return all KCCRT credentials, supplies, and equipment to the executive director. (33 Ky.R. 3118; 3600; eff. 7-6-2007.)